



# MINNESOTA BOARD OF DENTISTRY

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## Special Public Board Meeting Minutes February 25, 2015

### Call to Order

Board President David Gesko called the meeting to order at 6:30 pm

### Board Members Present

David Gesko, DDS –President  
Allen Rasmussen, MA, BS – Vice President  
Neal Benjamin, DDS, Secretary  
Teri Youngdahl, LDA – Past President  
Nancy Kearn, DH  
Jake Manahan, JD  
Joan Sheppard, DDS  
Steven Sperling, DDS  
Paul Walker, DDS

### Board Staff Present

Judy Bonnell, Complaint Analyst  
Deb Endly, Compliance Officer  
Sheryl Herrick, Office Manager  
Amy Johnson, Licensing Analyst  
Kathy Johnson, Legal Analyst  
Mary Liesch, Complaints/Compliance Director  
Joyce Nelson, Licensing Director  
Michelle Schroeder, Administrative Assistant  
Marshall Shragg, Executive Director  
Vicki Vang, Administrative Assistant

### Others in Attendance (per sign-in sheet)

Candy Hazen, DH – MnDHA; Dave Linde, DDS; Todd Thierer, DDS – U of M; Carmelo Cinqueonce, MBA – MDA; Beth Rynders, LDA – MEDA; Suzanne Beatty, DDS – Metropolitan State University; Jeanne Anderson, DH – MDHEA; Susan Block, DDS – MDA; Kathy Lapham, LDA – MEDA; Dick Diercks – Park Dental; Pete Cannon, DDS – MDA; Anna Malay, LDA – MnDAA; Brenda Spanovich, LDA – MnDAA; Kelli Olson, LDA – MnDAA; Randy Morris, JD – MDHA; Christy Jo Fogarty, DT – MDTA; Cindy Livon-Shragg; Linda Boyum, LDA; Cindy Greenlaw Benton – ASU; Carol Ferrazzo, DH – MnDHA; Louann Goodnough, DH – MnDHA; Colleen Brickle, EdD, DH – Normandale Community College; Stephanie Lunning – MN Board of Physical Therapy; Merry Jo Thoele, DH, MPH – MDH; Susan Thaemert, LDA – MEDA; Lucy Shoemaker, LDA – MEDA; Jayne Cernohous, DDS – Metropolitan State University; Natalie Kaweckyj, LDA – MnDAA; Mary Schutz, LDA – SCDAS; Rob Larson – Portico Healthnet

### Attorney General's Office

Not in attendance

### Agenda

Dr Gesko informed those in attendance that the agenda for the evening would include an open session to discuss amending the Board's Internal Operating Policies and Procedures (IOPP) concerning the annual performance review of the Board's Executive Director. Following that discussion, there would be a closed session to review the performance of the Executive Director, Marshall Shragg. The review of performance would be closed unless Executive Director Shragg requests it be conducted in open session. Dr Gesko indicated that other items included on the printed agenda would not be discussed because there would be no time.

### IOPP Discussion

Dr Gesko indicated that since the last Board meeting, he has determined through consultation with the Attorney General's Office that the motion made in the January Board meeting to amend the IOPP was unnecessary because state statute already allows the full Board to evaluate the performance of the Executive Director.

Discussion occurred between Board members, including challenges to the above determination regarding changes to the IOPP.

1           **MOTION:**

2           Motion made to immediately move to closed session for the purposes of discussing the performance of  
3           the Executive Director with the intention of dismissal.

4                 Motion:     Neal Benjamin

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6           The motion did not receive a second and did not prevail.

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8           Following the motion, Dr Gesko asked if there was any other information or specific language to be discussed  
9           regarding the IOPP.

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11          Discussion of the IOPP concluded.

12  
13          Discussion moved on to what could legally be discussed while conducting an evaluation of the performance of  
14          the Executive Director if he chose to have that portion of the meeting open. Dr Gesko stepped out of the meeting  
15          to call the Attorney General whom he had been working with. After returning to the meeting, Dr Gesko  
16          indicated that per the Attorney General, if the evaluation of performance is requested to be open, private and  
17          confidential documents are allowed to be discussed.

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19          A break was taken from 7:56 pm – 8:06 pm.

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21          The meeting resumed at 8:06 pm.

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23          Dr Gesko noted that in the previous portion of the meeting, comments were made from the public that he felt  
24          were inappropriate. He asked that the meeting be handled respectfully and professionally.

25  
26           **MOTION:**

27           Motion made to adjourn the meeting.

28                 Motion:     Jake Manahan

29                 Second:    Nancy Kearn

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31          Dr Gesko stated that a short recess would be taken.

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33          Ms Kearn indicated that Rules of Order require that once a motion to adjourn has been made, it must be voted  
34          on before anything else can be done.

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36          Dr Gesko indicated that he would need a moment to consult the rules of order.

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38          Meeting recessed at 8:10 pm for 10 minutes.

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40          Dr Gesko returned and called the meeting back to order. He asked whether anyone knew Dr Howard Taylor. Dr  
41          Pete Cannon responded and stated that Dr Taylor is Speaker of the House of Delegates for the Minnesota Dental  
42          Association and an expert on parliamentary procedure.

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44          Dr Gesko indicated that per advice from Dr Taylor, the motion to adjourn may be called out of order because it  
45          purposefully goes against the announced purpose of the meeting. Dr Gesko called the motion out of order.

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47          Mr Manahan challenged the ruling of the President and asked for a vote to overrule the President.

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49          Dr Gesko stated that a vote would be taken regarding whether he has the authority to call the motion out of  
50          order. Dr Gesko stated that the vote is whether he has the authority to call the motion to adjourn as being out of  
51          order. A *yes* vote means Gesko does not have that authority and a *no* vote means he does have the authority.

52  
53          Mr Rasmussen indicated concern over the legal ramifications for each Board member if they violate laws  
54          knowingly or unknowingly. Dr Gesko responded that as Board members, they are backed up by the Attorney  
55          General's Office.

1 Discussion occurred regarding which parliamentary procedure reference was being used (Robert's Rules,  
2 Sturgis, or the American Institute of Parliamentarians). Dr Gesko indicated he was following Sturgis rules. It  
3 was discussed that the Board had followed Sturgis according to the IOPP, although the Board had voted  
4 previously to change to the American Institute as the Sturgis guide was no longer being updated.  
5

6 Following additional discussion, Dr Gesko determined that the Board would vote on the motion to adjourn. A  
7 *yes* vote means the meeting will adjourn; a *no* vote means the meeting will not adjourn.  
8

9 A roll call vote was taken:

10 Neal Benjamin – No

11 David Gesko – No

12 Nancy Kearn – Yes

13 Jake Manahan – Yes

14 Allen Rasmussen – Yes

15 Joan Sheppard – No

16 Steven Sperling – No

17 Paul Walker – Yes

18 Teri Youngdahl – Yes  
19

## 20 **ADJOURN**

21 **The Minnesota Board of Dentistry public meeting was adjourned at 8:41 pm.**  
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23 **Minutes Approved by the Minnesota Board of Dentistry**  
24 **this 10<sup>th</sup> day of April, 2015**  
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David Gesko, DDS, President